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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/300,500 09/02/94 BANERJEE

E M250S1DUS  
EXAMINER

26M2/0123

BRIER, J

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ART UNIT

PAPER NUMBER

2609  
DATE MAILED:

01/23/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined

Responsive to communication filed on mailed 12/19/95  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s) 35 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

**Part II SUMMARY OF ACTION**

1.  Claims 1-13 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1-13 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

**EXAMINER'S ACTION**

**Part III DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3 and 6-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by McCain et al U.S. Patent No. 5,309,351.

This reference with an effective filing date of October 27, 1988 describes a portable touch screen display which uses an infrared link as a connection to a host computer which performs application processing and provides display information to the portable touch screen display via the infrared link. Especially note column 7 lines 30-33 and lines 58-60 and column 9 lines 46-47 and column 10 lines 41-46 which describes a portable unit constructed of a minimum of parts with limited processing capability. Also note In re Graves, 36 USPQ2d 1697, 1701 (CAFC December 4, 1995) which teaches that fundamental technical information known to one of ordinary skill in the art need not be explicitly taught by the reference for the reference to show that the claimed invention is old under 35 U.S.C. § 102.

Re claim 1:

The stylus of this claim is covered by the operator's finger in the McCain system. In McCain any stylus capable of giving an indication of touch to the touch screen may be considered a stylus.

Re claim 3:

Note column 10 line 64 to column 11 line 3.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claims 4 and 12 are rejected under 35 U.S.C. § 103 as being unpatentable over McCain et al U.S. Patent No. 5,309,351 and More et al U.S. Patent No. 5,194,852. McCain fails to teach recognition of handwriting entered at the portable touch screen display (claims 4 and 12) and especially does not teach

performing the hand recognition analysis at the host computer. McCain does teach a graphics capability in the display at column 8 line 67 to column 9 line 24 which suggests that a graphics input would be desirable in addition to the described menu selection column 9 lines 25-27. A graphics display suggests this because it is desirable to have the input resolution equal to the output resolution so it will be possible to have the input and output data correspond to the same pixel location. More describes handwriting detection in a portable computer. It would have been obvious to one of ordinary skill in the art to incorporate handwriting recognition into the host computer of McCain so detailed user input may be detected by the system.

5. Claims 5 and 13 are rejected under 35 U.S.C. § 103 as being unpatentable over McCain et al U.S. Patent No. 5,309,351 and in view of Kannan et al U.S. Patent No. 5,423,045. McCain fails to teach power conservation (claims 5 and 13) in the portable touch screen display. Column 8 lines 43-51 describes the power supply used in McCains' portable touch screen display, but, does not describe a power management circuit for suspending operation of the portable touch screen display under certain conditions. This, however, is taught to be old by Kannan et al. as a means to prolong the life of the battery. For this reason it would have been obvious to one of ordinary skill in the art to incorporate into the portable touch screen display of McCain a power

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management routine for suspending operation of the portable touch screen display under certain conditions to prolong the life of the battery.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on Monday through Friday from 7:15am to 3:45pm eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709. The fax phone number for this Art Unit is (703)-308-5399.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

January 18, 1996

*Jeffrey A. Brier*  
JEFFERY BRIER  
PRIMARY EXAMINER  
GROUP 2600